THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.12939 of 2006

Dated: 06-07-2006

Between:

Kummari Ramulu.

..... PETITIONER

AND

The District Collector, Ranga Reddy District,
Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.12939 of 2006

ORDER:

The petitioner is allegedly in occupation of land admeasuring Acs.4.00 in survey No.279/1 situated at Ragannaguda Village, Hamlet of Turkayamjal, Hayathnagar Mandal, Ranga Reddy District. There was a proposal to evict him and accordingly the second respondent issued notice under Section 7 of the Land Encroachment Act, 1905 (the Act, for brevity) on 01-12-1992. Again on 15-02-1995 similar notice was issued, but no action was taken. The petitioner alleges that on 14-06-2006 the subordinate officers of the second respondent threatened to evict him from the land. Therefore he made an application on 16-06-2006 to the second respondent for obtaining certified copies of pahanis in respect of said land. By memo dated 20-06-2006, the petitioner was informed that certified copies of pahanis in respect of the land in survey No.279 cannot be issued in his name as the land was classified as Gairan Sarkari. The petitioner apprehends that as he was informed that the land is Gairan Sarkari he will be forcibly evicted from the land. He, therefore, seeks a writ of Mandamus declaring the action of the respondents in interfering with his peaceful possession and enjoyment of the land without due process of law as arbitrary and illegal.

At the stage preliminary hearing itself, the learned Assistant Government Pleader for Revenue (General) obtained instructions from the office of the second respondent. He submits that after the request of the petitioner for supply of certified copies is rejected by the second respondent vide memo dated 20-06-2006, the petitioner has filed the present writ petition on mere apprehension. While denying the allegation that there is threat of dispossession, the learned Government Pleader submits that unless and until action is taken against the petitioner under the provisions of the Act, he cannot forcibly be evicted. This submission of the learned Assistant Government Pleader is placed on record.

The writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

6th July, 2006

ghn